

DIRECTIVE

WORKFORCE INVESTMENT ACT

Number: WIAD05-5

Date: October 5, 2005
69:141:jw:9484

TO: WORKFORCE DEVELOPMENT COMMUNITY

SUBJECT: LOCAL PLAN MODIFICATIONS PY 2005–06 **(INACTIVE)**

EXECUTIVE SUMMARY:

Purpose:

This directive announces a one-year extension to the existing Local Workforce Investment Area (LWIA) Five-Year Strategic Local Plans via local plan modification. This directive also provides instructions and revised forms for submittal of Program Year (PY) 2005–06 modification of the local plans.

Please note this directive supersedes WIA Directive WIAD04-21, dated June 9, 2005. Although the date of submission of local plans has passed, this directive is reissued to eliminate Phase 2 submission requirement as stated in WIAD04-21. No further action is required.

Scope:

This directive applies to all LWIAs.

Effective Date:

This directive is effective on date of issuance.

REFERENCES:

- Workforce Investment Act (WIA) Section 118
- Title 20 Code of Federal Regulations (CFR) Part 661.355
- Training and Employment Guidance Letter (TEGL) 23-04, Congressional Rescissions for the WIA Adult and Dislocated Worker Programs; WIA Allotments for PY 2005; Additional Funding from WIA Section 173(e) for Adult/Dislocated Worker Activities for Eligible States; Wagner-Peyser Act Preliminary Allotments for PY 2005; Reemployment Services, Workforce Information Grants to States for PY 2005; and Work Opportunity Tax Credit (WOTC) and Welfare-to-Work (WtW) Tax Credit Allotments for Fiscal Year (FY) 2005 (March 25, 2005)

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- TEGL 26-03, FY 2004 Congressional Rescissions for the WIA Adult and Dislocated Worker Programs; WIA Allotments for PY 2004; Additional Funding from Dislocated Worker National Reserve for Adult/Dislocated Worker Activities for Eligible States; Wagner-Peyser Act Final Allotments for PY 2004; and WOTC and WtW Tax Credit Allotments for FY 2004 (June 18, 2004)
- TEGL 22-02, Negotiation of Performance Goals for Program Years Four and Five Under Title I of the WIA (March 24, 2003)
- WIA Draft Directive WIADD-92, Subject: LWIA Proposed Performance Goals for PY 2004–05 (March 17, 2005)
- WIA Directive WIAD04-10, Subject: Final PY 2003–04 Performance (October 15, 2004)
- WIA Directive WIAD03-6, Subject: LWIA Performance Levels for PY 2002–03, 2003–04, and 2004–05 (July 31, 2003)
- WIA Directive WIAD04-7, Subject: Transfer of Funds–Adult, Dislocated Worker, and Recaptured Funds (September 22, 2004)
- WIA Information Bulletin WIAB04-95, Subject: Youth Allocations PY 2005–06 (April 26, 2005)
- WIA Information Bulletin WIAB04-96, Subject: Formula Allocations for PY 2005–06 and Federal Rescission for PY 2004-05 (April 26, 2005)
- WIA Information Bulletin WIAB04-86, Subject: Federal Allotments PY 2005–06 and Federal Rescission PY 2004–05 (April 4, 2005)
- WIA Information Bulletin WIAB03-77, Subject: Formula Allocations PY 2004–05 and Federal Rescission PY 2003–04 (April 9, 2004)
- WIA Information Bulletin WIAB03-43, Subject: Final PY 2002–03 WIA Performance Results (December 5, 2003)
- WIA Information Bulletin WIAB02-45, Subject: Final PY 2001–02 WIA Performance Results (December 4, 2002)
- WIA Information Bulletin WIAB01-55, Subject: Final PY 2000–01 WIA Performance Results (December 4, 2001)
- WIA Information Bulletin WIAB99-2, Subject: WIA Initial Local Planning Guidance (December 14, 1999)

STATE-IMPOSED REQUIREMENTS:

This directive contains some State-imposed requirements. These requirements are indicated by ***bold, italic*** type.

FILING INSTRUCTIONS:

This directive supersedes WIA Directive WIAD04-21, dated June 9, 2005 and finalizes WIA Draft Directive WIADD-105, issued for comment on September 13, 2005. Retain this directive until further notice.

BACKGROUND:

Section 118 of the WIA requires each Local Workforce Investment Board (LWIB) to develop and submit a LWIA Five-Year Strategic Local Plan to the California Workforce Investment Board (CWIB). Current LWIA Five-Year Strategic Plans are due to expire on June 30, 2005. The U.S. Department of Labor (DOL) has instructed states to begin working on a new Strategic Five-Year Plan for Title I of the WIA and the Wagner-Peyser Act; however, only two years of this plan must be submitted to DOL prior to the start of the new program year.

To meet the requirements at Section 118 of WIA, LWIBs are given a one-year extension to their existing LWIA Five-Year Strategic Local Plans, subject only to the requirements of this directive.

The LWIBs submitted their initial Strategic Five-Year Local Plans pursuant to the requirements in WIA Section 118, instructions in WIA Information Bulletin [WIAB99-2](#), dated December 14, 1999, and several issuances of supplemental guidance. Title 20 CFR Part 661.355 states that the Governor must establish procedures governing the modification of local plans. The WIA Directive WIAD03-14, dated June 3, 2004, provided instructions for submitting the PY 2004–05 plan modifications. Situations in which the Governor may require modifications include:

- Significant changes in local economic conditions;
- Changes in the financing available to support WIA Title I and partner-provided WIA services;
- Changes to the LWIB structure; or
- A need to revise strategies to meet performance goals.

POLICY AND PROCEDURES:

This directive includes the attachment *WIA Local Plan Modification PY 2005–06 Instructions and Forms*; it may be accessed at www.edd.ca.gov/wiarep/wiaricp.htm. The forms in the attachment include:

- LWIA Strategic Five-Year Local Plan Modification Cover Page
- WIA Strategic Five-Year Local Plan Table of Contents
- IX. Signature Page
- Title IB Budget Plan Summaries for Adult or Dislocated Worker and Youth
- Title IB Participant Plan Summary
- Local Performance Indicators and Goals Chart
- LWIA Grant Recipient Listing

If you need to make changes to any of the narrative portions submitted with your initial plan or subsequent modifications, you may access the appropriate forms at the same

Web site. (Note: The [narrative forms](#) are in the Resource Information Center - Planning Documents as attachments to WIA Information Bulletin WIAB99-2.)

Local plans must be modified to include the following elements, as applicable:

Revised Elements From Initial Plans and/or Subsequent Modifications

Some local plans may be missing some required elements. For example, local areas may not have submitted all of their fully executed Memorandums of Understanding (MOU). One of the elements required in the MOUs, per WIA Section 121(c)(2)(A)(ii), is "how the costs of such services and the operating costs of the system will be funded." The State approved those MOUs that indicated that cost-sharing arrangements would be developed. In addition, some of the MOUs did not include specific information about referral methods. As a requirement of WIA Section 121(c)(2)(iii), MOUs shall contain provisions describing the "methods for referral of individuals between the One-Stop operator and the One-Stop partners, for the appropriate services and activities." ***Local areas must attach fully executed MOUs not already submitted with the initial plan or the PY 2004–05 modification for all required partners that describe the cost-sharing arrangements and methods of referral, as well as the other required elements in WIA Section 121(c). If there is more than a single One-Stop in the local area, the MOUs must address the cost-sharing arrangements and other Section 121(c) requirements regarding each of the One-Stops, including descriptions of any differences or unique arrangements regarding the various sites. If cost-sharing arrangements are not included as part of the MOU but are contained in another document (e.g., a lease agreement), provide a copy of that document with the MOU. The MOUs that were submitted with the initial plan or the PY 2004–05 modification and have since been revised must also be attached. If any required MOUs have not yet been negotiated, these must be identified and a description of the ongoing efforts and/or problems in finalizing the memorandum(s) must be provided in Box "R" of the narrative Section V entitled "Local One-Stop Service Delivery System." Please indicate the projected dates, if known, of full execution.***

Please work with your Regional Advisor to identify any other items required in the initial plan and/or PY 2004–05 modification guidance which were not included, and submit them in your PY 2005–06 modification.

Significant Changes

As described in the Background above, Title 20 CFR Part 661.355 provides examples of situations for which the Governor may require modification of the local plan. ***The State requires LWIBs to modify their local plans to include any of the four changes referenced in Title 20 CFR Part 661.355, which are applicable to the local area. Significant changes in local economic conditions as well as general downturn in the economy must be described in the narrative Section III entitled "Labor Market Analysis."***

All local areas will have changes in available financing to support Title I services, i.e., the PY 2005–06 allocations, which are to be incorporated in the modification on the Budget Plan summaries.

“Changes to the LWIB structure” does not mean changes in specific individuals on the board. Rather, it refers to changes in numbers of members, additional partnership categories, and other structural changes (for example, the establishment of a youth council within the board). No structural changes can be made which would eliminate any required partner categories, or which would eliminate the private sector majority. ***Any applicable changes must be discussed in Box "C" (and any other applicable sections/boxes) of the narrative Section IV entitled “Leadership.”*** For example, if there are changes regarding the youth council, these should be discussed in Box "A" of the narrative Section VI entitled “Youth Activities.”

Local negotiated PY 2005–06 **performance goals** may not be available by the time of your PY 2005–06 modification submittal. However, even if they are not, you may decide locally, based on prior years’ experience, that you will need to change your strategies in order to meet your performance goals. ***If so, discuss the strategic changes in the narrative Section II entitled “Local Vision and Goals” and/or any other applicable sections of the narrative.***

The Employment and Training Administration expects to implement the common measures policy in July 2005. Final reporting guidelines, negotiation of new State and local outcome levels, and revised participant tracking forms will be issued as soon as the information becomes available.

PY 2005–06 Forms

The Title IB Adult or Dislocated Worker and Youth Budget Plan summaries, the Participant Plan Summary, and the Local Performance Indicators and Goals chart have been revised for PY 2005–06. Budget Plan forms were designed to provide quarterly expenditure planning for the two-year life of the funds. The local area allocations for PY 2004–05 were transmitted in WIA Information Bulletin [WIAB03-77](#), dated April 9, 2004. The federal allotments for PY 2005–06 and adjustments to the total PY 2004–05 formula Adult and Dislocated Worker allocations due to a federal rescission were transmitted in WIA Information Bulletin [WIAB04-86](#) dated April 4, 2005. The formula PY 2005–06 Youth allocations to the LWIAs were transmitted in WIA Information Bulletin [WIAB04-95](#) dated April 26, 2005. The WIA Information Bulletin [WIAB04-96](#), dated April 26, 2005, transmitted the PY 2005–06 Adult, Dislocated Worker, and Youth allocations and the amounts rescinded from the PY 2004–05 Adult and Dislocated Worker LWIA allocations. ***Local areas must complete and submit the Budget Plan Summaries and Participant Plan Summary as part of the modification.*** The performance goal form should be completed and made available to the public for comment. Final approval of the local area's proposed goals is subject to negotiation with the State in compliance with WIA Directive [WIAD03-6](#), dated July 31, 2003, WIA Directive [WIAD04-10](#), dated October 15, 2004, and WIA Draft Directive [WIADD-92](#), dated March 17, 2005.

Transfer of Funds—Adult and Dislocated Worker Formula Allocations

The WIA Directive [WIAD04-7](#), dated September 22, 2004, provides State policy and procedures for the transfer of funds between Title I Adult and Dislocated Worker programs. You may submit a request for transfer at any time. If you wish to effect a transfer of PY 2005–06 funds at the time of the modification, you may submit the request with the modification. ***Follow the instructions in the directive for requesting the transfer. Make the appropriate entries on the budget and participant forms in the plan modification.*** (Note: A maximum 30 Percent transfer is applicable to both PY 2004–05 and PY 2005–06 funding.)

Format

In addition to the narrative pages, a complete package of PY 2005–06 forms may be downloaded at www.edd.ca.gov/wiarep/wiaricp.htm. Included you will find a Local Plan Table of Contents that has columns for indicating which plan sections have been revised. ***Only those items that are new (e.g., PY 2005–06 Budget Plan summaries and Participant Plan Summary), items that were not submitted with the initial plan and/or the PY 2004–05 modification (e.g., new or revised MOUs), and items requiring changes (e.g., a revised Local Performance Indicators and Goals chart, revised narrative pages relating to significant changes in the local economy, LWIB structure changes, and strategic changes to meet performance and expenditure goals) must be included in the modification. Please annotate each revised page with a revision date in the lower right corner of the page (e.g., “Rev. 6/28/05”). Complete the Local Plan Modification cover page. After the cover page, please arrange the modification in the order indicated on the Local Plan Table of Contents.***

Public Comment, Signatures, Due Date

Plan modifications must be made available to the public through such means as public hearings and the local news media. Members of the LWIB and members of the public, including representatives of business and labor organizations, must be allowed to submit comments on the proposed modification to the LWIB. These must be submitted no later than the end of the 30-day period beginning on the date on which the proposed modification is made available.

The plan modification is due to the State no later than August 1, 2005. Six copies are required, at least one of which must contain the original signatures of the LWIB Chair and the Chief Elected Official(s), or their designated alternates. (Note: Alternates must be formally designated by official action of their respective boards or locally-approved policy.) Some local areas may be unable to obtain the approval of both the LWIB and the Chief Elected Official(s) by the due date (e.g., because of the scheduling of their respective board meetings). ***If so, they must submit at least one copy of the unsigned modification by the due date and provide an explanation and date by which the signed original and copies will be sent.***

ACTION:

Please bring this directive to the attention of all relevant parties. ***Complete the plan modification according to the instructions in this directive and attachment. Submit the modification no later than 5:00 p.m., on August 1, 2005, to:***

Mail: Program Section
Workforce Investment Division, MIC 50
Employment Development Department
P. O. Box 826880
Sacramento, CA 94280-0001

Overnight Mail: Program Section
Workforce Investment Division, MIC 50
Employment Development Department
800 Capitol Mall
Sacramento, CA 95814

Hand Deliver: Program Section
Workforce Investment Division
Employment Development Department
722 Capitol Mall, Room 1077
Sacramento, CA 95814

INQUIRIES:

If you have any questions, please contact your [Regional Advisor](#), at (916) 654-7799.

/S/ BOB HERMSMEIER
Chief
Workforce Investment Division

Attachment is available on the Internet:

[WIA Local Plan Modification PY 2005–06 Instructions and Forms](#) (PDF)